

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LE'MARC HOLCOMBE

§

PLAINTIFF

§

§

§

§

V.

Civil Action No.: 1:21-cv-_____

UNION PACIFIC RAILROAD

§

COMPANY

§

DEFENDANT

§

DEFENDANT UNION PACIFIC RAILROAD COMPANY'S
NOTICE OF REMOVAL

Defendant, Union Pacific Railroad Company, respectfully notifies this Court of its removal of this case to the United States District Court for the Western District of Texas. Removal is based upon federal question jurisdiction under 28 U.S.C. §§ 1331 and 1441, and diversity jurisdiction under 28 U.S.C. § 1332. In support of its removal, Defendant states as follows:

1. This action is being removed to Federal Court based upon federal question jurisdiction and diversity jurisdiction.
2. Plaintiff filed his Petition in the above-entitled civil action in the 408th Judicial District Court of Bexar County, Texas, on December 16, 2020, and served the same on Defendant, on June 24, 2021. Therefore, Defendant has timely removed this matter. The action is wholly civil in nature, and the United States District Court for the Western District of Texas has original jurisdiction under 28 U.S.C. § 1331 and § 1332, and the action may be removed by Defendant pursuant to 28 U.S.C. § 1441(a).

Federal Question Jurisdiction

3. This Court has federal question jurisdiction over the action because Plaintiff's Original Petition seeks relief under the Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, Genetic Information Nondiscrimination Act and the Age Discrimination in Employment Act.

Diversity Jurisdiction

4. This Court also has diversity jurisdiction on information and belief, the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, as Plaintiff's Original Petition states "Plaintiff seeks monetary relief of over \$100,000 but less than \$1,000,000..." (Original Petition at ¶ 4).

5. Plaintiff's Petition alleges that he is a resident of Bexar County, the venue where he filed the Complaint. (Original Petition at ¶ 1). Thus, on information and belief, Plaintiff's domicile is in Texas, and he is a citizen of Texas.

6. The citizenship of a corporation is both the state of its incorporation and the state of its principal place of business. 28 U.S.C. § 1332(c)(1). When determining a corporation's principal place of business for purposes of diversity jurisdiction, courts refer to the place where a corporation's officers direct, control, and coordinate the corporation's activities. *Hertz Corp. v. Friend*, 559 U.S. 77, 92-93 (2010). The principal place of business is where the corporation "maintains its headquarters—provided that the headquarters is the actual center of direction, control and coordination." *Id.* Union Pacific is a Delaware corporation, and its principal place of business is in Nebraska. As such, Union Pacific is a citizen of Delaware and Nebraska.

7. Therefore, because no party is a citizen of the same state, there is complete diversity of citizenship under 28 U.S.C. § 1332(a).

Removal is Timely

8. Defendant files this Notice of Removal pursuant to 28 U.S.C. § 1446 within 30 days of service of the Original Petition on or about June 24, 2021.

Venue is proper in the Western District of Texas, San Antonio Division.

9. Venue is proper in the United States District Court for the Western District of Texas, San Antonio Division, because the 408th Judicial District Court of Bexar County is within this district and division.

10. Defendant expressly reserves all defenses to Plaintiff's claims, including, but not limited to, all defenses based in law, equity, statute, constitution, jurisdiction, or immunity.

11. Pursuant to 28 U.S.C. § 1446(d), Defendant is providing written notice of the filing of this Notice of Removal to all counsel of record and is filing a copy of this Notice of Removal with the Clerk of the District Court of Bexar County, Texas, in which the State Court Action was originally commenced.

12. Attached as Exhibit "4" and incorporated by reference is a true and correct copy of the Plaintiff's Original Petition, which is the only pleading filed in state court and removed by this notice.

13. Attached as Exhibit "6" is a true and correct copy of the Notice of Filing of Notice of Removal, which has been served with this document on all parties, and which will be contemporaneously filed with the Bexar County District Court, 408th Judicial District.

CONCLUSION

Defendant Union Pacific Railroad Company hereby removes the State Court Action from the 408th Judicial District Court of Bexar County, Texas, with all further activity to proceed in the United States District Court for the Western District of Texas, San Antonio Division.

WHEREFORE, Defendant prays that the State Court Action be removed from the District Court of Bexar County Texas, to this Court.

Dated this 16th day of July, 2021.

Respectfully submitted,

/s/ Jacquelyn V. Clark, Esq.
Jacquelyn V. Clark, Esq.
State Bar No. 24069512
jvclark@up.com
Daniel J. Gibson, Esq. (pro hac vice pending)
State Bar No 24118124
djgibson@up.com
Union Pacific Railroad Company
24125 Aldine Westfield Road
Spring, TX 77373
Phone: (281) 350-7259
Fax: (402) 271-4693

**ATTORNEYS FOR DEFENDANT
UNION PACIFIC RAILROAD COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was forwarded to all counsel of record on this the 16th day of July, 2021 pursuant to the Federal Rules of Civil Procedure.

/s/ Jacquelyn V. Clark, Esq.
Jacquelyn V. Clark, Esq.

EXHIBIT 1

Exhibit 1 Index of Exhibits to Notice of Removal;

Exhibit 2 Civil Cover Sheet;

Exhibit 3 Certified Copy of State Court Action Docket Sheet;

Exhibit 4 Plaintiff Le'Marc Holcombe's Original Petition; and,

Exhibit 5 Return of Service for Defendant Union Pacific Railroad Company, dated June 24, 2021.

Exhibit 6 Notice of Filing of Notice of Removal

EXHIBIT 2

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Le'Marc Holcombe

(b) County of Residence of First Listed Plaintiff Bexar County, Texas
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Joshua H. Sisam, Sisam & Associates, 110 Industrial
Dr., Boerne, TX 78006

DEFENDANTS

Union Pacific Railroad Company

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Jacquelyn V. Clark, 1400 Douglas Street, MS 1580
Omaha, NE 68179

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF	
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability	INTELLECTUAL PROPERTY RIGHTS	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	PERSONAL PROPERTY	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 385 Property Damage Product Liability	SOCIAL SECURITY	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence		<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input checked="" type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	FEDERAL TAX SUITS	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	Other:	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. §§ 1331, 1332(a), and 1441(b);

VI. CAUSE OF ACTION
Brief description of cause:
Alleged violation of Title VII of the Civil Rights Act of 1964

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

Jacquelyn V. Clark
Signature of Representative

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

07/16/2021

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

EXHIBIT 3

408th District Court

Case Summary

Case No. 2020CI24074

**LE MARC HOLCOMBE VS UNION PACIFIC RAILROAD
COMPANY**

§
§

Location: **408th District Court**
Filed on: **12/16/2020**

Case Information

Case Type: **EMPLOYMENT-
DISCRIMINATION**

Case Status: **12/16/2020 Pending**

Assignment Information

Current Case Assignment

Case Number **2020CI24074**
Court **408th District Court**
Date Assigned **12/16/2020**

Party Information

Lead Attorneys

Plaintiff **HOLCOMBE, LE MARC** **SISAM, JOSHUA H**
Retained

Defendant **UNION PACIFIC RAILROAD COMPANY**

Events and Orders of the Court

12/16/2020 New Cases Filed (OCA)
12/16/2020 PETITION
05/28/2021 REQUEST FOR SERVICE AND PROCESS
06/22/2021 **Citation**
UNION PACIFIC RAILROAD COMPANY
Unserved

EXHIBIT 4

2020CI24074

CAUSE NO. _____

LE'MARC HOLCOMBE
PLAINTIFF

v.

UNION PACIFIC RAILROAD COMPANY
DEFENDANT

§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

408th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes Plaintiff, LE'MARC HOLCOMBE (hereinafter, "**Mr. Holcombe**") and files his Original Petition, respectfully showing unto the Court the following:

I. PARTIES

1. Mr. Holcombe is an individual and a resident of Bexar County.

2. Defendant, Union Pacific Railroad Company, (hereinafter, "**Union Pacific**") is a Delaware corporation registered to do business in Texas. Union Pacific can be served at the office of its registered agent: (1) C T Corporation System, located at 1999 Bryan St., Ste. 900 Dallas Texas 75201; or (2) any other place where C T Corporation System can be found.

II. DISCOVERY LEVEL

3. Plaintiff selects Discovery Level 2.

II. JURISDICTION AND VENUE

4. This Court has jurisdiction because Plaintiff requests damages and remedies within the jurisdictional limits of the Court. Plaintiff seeks monetary relief of over \$100,000.00 but less than \$1,000,000.00 including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney's fees.

5. Venue is proper in Bexar County pursuant to TEX. CIV. PRAC. & REM. CODE § 15.002(a)(1) because all or a substantial part of the events and omissions giving rise to these claims occurred in Bexar County.

III. BACKGROUND & FACTS

6. Mr. Holcombe was an employee of Union Pacific for many years until he was constructively fired due to the hostile work environment that arose specifically regarding Mr. Holcombe's race.

7. Mr. Holcombe is African American, and experienced continuous racially charged comments, threats, slurs, property vandalism, and job restrictions (the "Harassment"), all of which Mr. Holcombe reported to his superiors at Union Pacific in compliance with internal procedure. Mr. Holcombe's superiors did not take the Harassment seriously, nor was a proper internal investigation done regarding the same. In fact, it was not uncommon for Mr. Holcombe to set up an appointment with his superiors to discuss the Harassment, only for no one to attend the meetings. Mr. Holcombe also became aware of Harassment directed at fellow African American employees however, their claims were similarly dismissed off hand.

8. After exhausting all internal procedures, Mr. Holcombe filed several complaints with the U.S. Equal Employment Opportunity Commission ("EEOC Complaints"). When Union Pacific found out about the EEOC Complaints, Mr. Holcombe's situation at work worsened. He received internal threats and experienced additional and increased Harassment regarding the EEOC Complaints and was told he would be terminated if he continued filing EEOC Complaints.

9. Eventually, Mr. Holcombe realized that his only options were to: (1) resign; or (2) to continue working in an openly hostile and racially discriminatory work environment full of daily Harassment. Faced with this impossible choice, Mr. Holcombe was forced to resign.

10. The EEOC Complaints were ultimately denied and such denial was received on September 24, 2020, and Mr. Holcombe now brings this suit in an attempt to remedy the Harassment and subsequent damages he experienced as a direct result thereof.

IV. CAUSES OF ACTION¹

11. All conditions precedent to Plaintiff's recovery have occurred or have been waived, excused, or otherwise satisfied. All notices required have been provided or were waived, excused, or otherwise satisfied.

12. Plaintiff repeats and incorporates the allegations set forth above in Paragraphs 1-11 in support of each of the causes of action identified below.

A. Race Based Employment Discrimination- Violations of Title VII, The Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act (“Title VII”)

13. Title VII applies to employers, such as Union Pacific, who have 15 or more employees. Under Title VII, Union Pacific was prohibited from discriminating against Mr. Holcombe, or treating him differently from other employees based on his race, color, national origin, sex, and/or religion. Union Pacific violated Title VII when it engaged in disparate treatment of Mr. Holcombe solely on the basis of his race, color, or national origin, and further violated Title VII by allowing and even encouraging the Harassment even after Mr. Holcombe reported the Harassment. Standing alone, the Harassment was severe and pervasive enough so as to be actionable. Mr. Holcombe seeks judgment against Union Pacific for all of his actual damages, consequential damages, pre- and post-judgment interest, court costs, and attorneys' fees.

B. Retaliation After Employee Engages in a Protected Activity Under Title VII

¹ All claims and causes of action are plead in the alternative to the extent necessary.

14. Union Pacific further violated Title VII when it retaliated against Mr. Holcombe by engaging in, or allowing other employees including Mr. Holcombe's superiors to engage in, in increased Harassment after he: (1) filed internal complaints regarding the Harassment; and (2) later filed the EEOC Complaints—protected activities under Title VII. Eventually, the Harassment escalated to the point where Mr. Holcombe could no longer endure the hostile work environment and was forced to resign. Mr. Holcombe seeks judgment against Union Pacific for all of its actual damages, consequential damages, pre- and post-judgment interest, court costs, and attorneys' fees.

V. ATTORNEY'S FEES & COSTS

15. Plaintiff is entitled to recover its attorney's fees and costs pursuant to Title VI., 42 U.S.C, § 2000e-5(k).

PRAYER

16. WHEREFORE, PREMISES CONSIDERED, Plaintiff prays the Court enter a judgment against Union Pacific awarding Plaintiff all relief requested herein as well as all such other and further relief, both general and special, at law and in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

By: /s/ Le'Marc Holcombe
Le'Marc Holcombe
Pro Se Plaintiff

EXHIBIT 5



**Service of Process
Transmittal**

06/24/2021

CT Log Number 539790313

TO: Tammy Potter
Union Pacific Railroad Company
1400 Douglas St
Omaha, NE 68179-0002

RE: Process Served in Texas

FOR: Union Pacific Railroad Company (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	LE'MARC HOLCOMBE, Pltf. vs. UNION PACIFIC RAILROAD COMPANY, Dft.
DOCUMENT(S) SERVED:	--
COURT/AGENCY:	None Specified Case # 2020CI24074
NATURE OF ACTION:	Employee Litigation - Wrongful Termination
ON WHOM PROCESS WAS SERVED:	C T Corporation System, Dallas, TX
DATE AND HOUR OF SERVICE:	By Process Server on 06/24/2021 at 11:08
JURISDICTION SERVED :	Texas
APPEARANCE OR ANSWER DUE:	None Specified
ATTORNEY(S) / SENDER(S):	None Specified
ACTION ITEMS:	CT has retained the current log, Retain Date: 06/24/2021, Expected Purge Date: 06/29/2021 Image SOP Email Notification, Tammy Potter trpotter@up.com Email Notification, Eeo Intake eeo.intake@up.com Email Notification, Betsy Gassaway bsgassaw@up.com Email Notification, Sarah Rief sjrief@up.com
REGISTERED AGENT ADDRESS:	C T Corporation System 1999 Bryan Street Suite 900 Dallas, TX 75201 866-331-2303 CentralTeam1@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other



CT Corporation

**Service of Process
Transmittal**

06/24/2021

CT Log Number 539790313

TO: Tammy Potter
Union Pacific Railroad Company
1400 Douglas St
Omaha, NE 68179-0002

RE: **Process Served in Texas**

FOR: Union Pacific Railroad Company (Domestic State: DE)

advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



Wolters Kluwer

PROCESS SERVER DELIVERY DETAILS

Date: Thu, Jun 24, 2021

Server Name: Matthew Foster

Entity Served	UNION PACIFIC RAILROAD COMPANY
Case Number	2020CI24074
Jurisdiction	TX



Case Number: 2020CI24074

LE MARC HOLCOMBE VS UNION PACIFIC RAILROAD

COMPANY

(Note: Attached Document May Contain Additional Litigants)

IN THE 408TH DISTRICT COURT

BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: **UNION PACIFIC RAILROAD COMPANY**
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org" Said **ORIGINAL PETITION** was filed on the **16th day of December, 2020**.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 22nd day of June, 2021.

JOSHUA H SISAM
ATTORNEY OF PETITIONER
110 INDUSTRIAL DR
BOERNE TX 78006-3305



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: /s/ Alexandra Johnson
Alexandra Johnson, Deputy

LE MARC HOLCOMBE VS UNION PACIFIC RAILROAD
COMPANY

Case Number: 2020CI24074

408th District Court

Officer's Return

I received this CITATION on the _____ day of _____, 20____ at _____ o'clock ____ M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION the date of delivery endorsed on it to the defendant _____ in person on the _____ day of _____, 20____ at _____ o'clock ____ M. at _____ or () not executed because _____.

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

County, Texas

BY: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, A.D., _____.

Declarant

Matthew Foster
PSC-4907
2021/06/24 11:08:49

EXHIBIT 6

CAUSE NO. 2020CI24074

LE'MARC HOLCOMBE	§	IN THE DISTRICT COURT
PLAINTIFF	§	
	§	
	§	408th JUDICIAL DISTRICT
V.	§	
	§	
UNION PACIFIC RAILROAD	§	BEXAR COUNTY, TEXAS
COMPANY	§	
DEFENDANT	§	

**DEFENDANT UNION PACIFIC RAILROAD COMPANY'S
NOTICE OF FILING OF NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant Union Pacific Railroad Company ("Defendant") hereby files this Notice of Filing Notice of Removal. Pursuant to 28 U.S.C. §§ 1332(a) and 1441(b), Defendant has removed this action because the amount in controversy is greater than \$75,000 and complete diversity of citizenship exists. Additionally, removal is based upon federal question jurisdiction under 28 U.S.C. §§ 1331.

A copy of Defendant's Notice of Removal is attached hereto as **Exhibit A**, together with the following exhibits to the Notice of Removal:

Exhibit 1 Index of Exhibits to Notice of Removal;

Exhibit 2 Civil Cover Sheet;

Exhibit 3 Certified Copy of State Court Action Docket Sheet;

Exhibit 4 Plaintiff Le'Marc Holcombe's Original Petition; and,

Exhibit 5 Return of Service for Defendant Union Pacific Railroad Company, dated June 24, 2021.

Exhibit 6 Notice of Filing Notice of Removal.

Respectfully submitted,



Daniel J. Gibson, Esq.
State Bar No 24118124
djgibson@up.com
Jacquelyn V. Clark, Esq.
State Bar No. 24069512
jvclark@up.com
Union Pacific Railroad Company
24125 Aldine Westfield Road
Spring, TX 77373
Phone: (281) 350-7259
Fax: (402) 271-4693

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded to the counsel of record through the Court's electronic filing system on this 16th day of July, 2021.



Daniel J. Gibson